

# FINAL BILL REPORT

## HB 2025

---

---

**C 398 L 09**  
Synopsis as Enacted

**Brief Description:** Sharing health care information.

**Sponsors:** Representatives Orwall, Hinkle, Dickerson, Green, Appleton, Driscoll, Morrell, Kagi, Van De Wege and Kenney.

**House Committee on Human Services**  
**Senate Committee on Health & Long-Term Care**

### **Background:**

In Washington, all mental health treatment records, with a few exceptions, are confidential. They may be released only to persons designated by statute or to other persons designated in an informed written consent of the patient. In some circumstances, treatment records may be released without the consent of the patient. Such records, however, remain confidential.

Treatment records may be released without consent as follows:

- to a person, organization or agency as necessary for management or financial audits or program monitoring and evaluation;
- to the Department of Social and Health Services (DSHS) when necessary to be used for billing or collection purposes;
- for research as permitted under statute;
- pursuant to a lawful order of the court;
- to qualified staff members to determine the progress and adequacy of treatment and to determine whether the person should be transferred to a less restrictive or more appropriate treatment modality or facility;
- to persons working within the treatment facility where the patient is receiving treatment;
- within the DSHS as necessary to coordinate treatment for mental illness, developmental disabilities, alcoholism, or drug abuse;
- to a licensed physician who has determined that the life or health of the person is in danger and that treatment without the information could be injurious to the patient's health;
- to a facility that is to receive a person who is involuntarily committed under the Involuntary Treatment Act;
- to a correctional facility for limited purposes;

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

- to the person's counsel or guardian ad litem in order to prepare for involuntary commitment proceedings;
- limited information to staff members of non-profit advocacy agencies for the purpose of protecting and advocating the rights of persons with mental disorders or developmental disabilities; or
- the DSHS may release information acquired for billing and collection purposes to coordinate care.

**Summary:**

In addition to the existing statutory provisions for the release of mental health treatment records without a patient's consent, treatment records may be released to a licensed mental health professional or a health care professional, and their support staff, who is providing care to a person or to whom a person has been referred for evaluation or treatment. Such treatment records may only be released for the purpose of coordinating care and treatment of that person. (Thus, a healthcare professional providing medical treatment may coordinate with a healthcare professional providing mental health treatment to provide care for the same patient.) Psychotherapy notes may not be released without authorization of the person who is the subject of the request for release of information.

**Votes on Final Passage:**

House	94	0	
Senate	44	0	(Senate amended)
House	95	0	(House concurred)

**Effective:** July 26, 2009